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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/945,072 | 08/31/2001 | Tom R. Vandermeijden | 3399P072 | 3009 |

26529 7590 09/09/2004

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EXAMINER

ELAHEE, MD S

| ART UNIT | PAPER NUMBER |
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2645

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,072

Applicant(s)

VANDERMEIJDEN, TOM R.

Examiner

Md S Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 16-33 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-15 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 16-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 06/24/04. Claims 1-33 are pending.

Response to Arguments

2. Applicant's arguments mailed on 06/24/04 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5, 6, 8, 9, 16-18, 20, 21, 23-27, 29, 30, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Armanto et al. (U.S. Patent No. 6,094,587).

Regarding claims 1 and 16, Armanto teaches receiving a telephone number associated with a voice call involving the mobile station MS2 (i.e., mobile communication device) (fig.2; col.5, lines 54-59, col.6, lines 12-20).

Armanto further teaches when a data connection is established between the mobile device and a server GTW (i.e., remote processing system) via the wireless network, then automatically obtaining message or ringing tones (i.e., data) associated with the telephone number via the wireless network (fig.2; col.6, lines 12-27, col.15, lines 28-33). (Note; short message contains ringing tone which is downloaded from the server)

Armanto further teaches storing the ringing tones in the memory (i.e., contact database) in association with the telephone number (col.4, lines 21-24, col.7, lines 36-47, col.8, lines 25-30).

Regarding claims 2, 17 and 26, Armanto teaches receiving identifier (i.e., Caller-ID information including the telephone number) and associated with an incoming call to the mobile communication device (col.5, lines 54-59).

Regarding claims 3, 18 and 27, Armanto teaches receiving a telephone number associated with an outgoing call being placed by a user of the mobile communication device (col.4, lines 15-17, col.5, lines 54-59).

Regarding claims 5, 20 and 29, Armanto teaches a PC (i.e., browser) to allow a user of the mobile communication device to navigate hypermedia information, and wherein the obtaining the data associated with the telephone number via the wireless network is done automatically by the PC (i.e., browser) (col.6, lines 12-27).

Regarding claims 6, 21 and 30, Armanto teaches automatically requesting the data associated with the telephone number from a remote server via the wireless network when the data connection is established (col.6, lines 12-27).

Regarding claims 8, 23 and 32, Armanto teaches the obtained data associated with the telephone number comprising name or address information associated with the telephone number (col.5, lines 54-59, col.7, lines 36-47).

Regarding claims 9, 24 and 33, Armanto teaches the obtained data associated with the telephone number comprising ring tone data for use to generate a ring tone indicating the incoming voice call (col.4, lines 21-24, col.7, lines 36-47, col.8, lines 25-30, col.15, lines 28-33).

Regarding claim 25 is rejected for the same reasons as discussed above with respect to claims 1 and 5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armanto et al. (U.S. Patent No. 6,094,587) and in view of Fleming, III (U.S. Patent No. 6,697,484).

Regarding claims 4, 19 and 28, Armanto fails to teach “attempting to locate the data associated with the telephone number in the contact database, wherein said obtaining data associated with the telephone number via the wireless network is performed only after failing to locate the data in the contact database”. Fleming teaches attempting to locate the alphanumeric identifier (i.e., data) associated with the telephone number in the memory (i.e., contact database), wherein the obtaining alphanumeric identifier (i.e., data) associated with the telephone number via the wireless network is performed only after failing to locate the alphanumeric identifier in the memory (fig.1-fig.4; col.3, lines 54-65, col.4, lines 60-64, col.5, lines 12-27, col.6, lines 4-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Armanto to allow attempting to locate the data associated with the telephone number in the contact database, wherein the obtaining data associated with the telephone number via the

wireless network is performed only after failing to locate the data in the contact database as taught by Fleming. The motivation for the modification is to have doing so in order to retrieve the alphanumeric identifier associated with originator's telephone number via the wireless network.

7. Claims 7, 22 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armanto et al. (U.S. Patent No. 6,094,587) and in view of Ho et al. (U.S. Pub. No. 2002/0194352).

Regarding claims 7, 22 and 31, Armanto fails to teach "the obtained data associated with the telephone number is contained in a vCard". Ho teaches the obtained data associated with the telephone number is contained in a vCard (page 3, paragraph 0019). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Armanto to allow the obtained data associated with the telephone number is contained in a vCard as taught by Ho. The motivation for the modification is to have doing so in order to provide name and office telephone number.

Allowable Subject Matter

8. Claims 10-15 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 10, Examiner's newly discovered references, Armanto and Hayashi fail to teach if the data associated with the telephone number of an incoming voice call is not stored in the contact database of the mobile communication device, then waiting to establish a data connection with a remote server via the wireless network, and after establishing the data connection, automatically requesting the data associated with the telephone number from the remote server via the wireless network, receiving the data

associated with the telephone number via the wireless network, and storing the data in the contact database in association with the telephone number.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hayashi (U.S. Pub. No. 2001/0024965) teach Mobile communication terminal and ringing method thereof, Lin et al. (U.S. Patent No. 6,366,791) teach System and method for providing a musical ringing tone on mobile stations, Cooper et al. (U.S. Patent No. 6,052,442) teach Internet answering machine, Kredo (U.S. Patent No. 6,714,637) teach Customer programmable caller ID alerting indicator, Bar et al. (U.S. Patent No. 6,456,852) teach Internet distributed real-time wireless location database and Yoon (U.S. Pub. No. 2002/0052224) teach Method for editing terminating ring tone in a mobile wireless terminal.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2645

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. E.

MD SHAFIUL ALAM ELAHEE

September 1, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', is written over the printed name and title.